

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THE MACHINERY MOVERS, RIGGERS,)	
& MACHINERY ERECTORS LOCAL NO.)	
136 SUPPLEMENTAL PENSION FUND,)	
THE MACHINERY MOVERS, RIGGERS,)	
& MACHINERY ERECTORS LOCAL NO.)	
136 HEALTH & WELFARE FUND, THE)	
MACHINERY MOVERS, RIGGERS &)	
MACHINERY ERECTORS LOCAL NO.)	
136 DEFINED CONTRIBUTION TRUST,)	
and THE MACHINERY MOVERS,)	
RIGGERS & MACHINERY ERECTORS)	
LOCAL NO. 136)	Case No.: 18-cv-05348
)	
Plaintiffs,)	Hon. Judge Chang
)	
v.)	Magistrate Judge Valdez
)	
TBII, Inc., an Illinois corporation)	
)	
Defendant.)	
)	

MOTION FOR DEFAULT AND JUDGMENT IN SUM CERTAIN

Plaintiffs, by and through one of their attorneys, Gregory W. Hosé, and Gregorio & Marco Ltd., pursuant to Fed. R. Civ. P. 55, respectfully request that this Honorable Court enter Judgment in Sum Certain in favor of Plaintiffs and against Defendant, TBII, Inc., in the amount of \$35,315.62 including attorney's fees. In support of this motion, Plaintiffs state as follows:

1. This case was filed on August 28, 2018.
2. Defendant TBII Inc. was served with Summons and Complaint on August 6, 2018 as shown on the return of service filed as Docket Entry No. 7 and attached hereto as Exhibit A.

3. This Court granted Plaintiffs' Motion for Judgment on the Pleadings as to liability on September 10, 2018 (See Docket Entry No. 15).
4. TBII, Inc. owes \$31,209.30 in unpaid contributions for the months of July 2017, August 2017, September 2017, October 2017, December 2017, January 2018, February 2018, March 2018, April 2018, June 2018, July 2018, and August 2018 (See Affidavit of Patrick Gallery, ¶ 20 Attached as Ex. B).
5. TBII, Inc. owes \$840.85 in liquidated damages for the months of July 2017, August 2017, September 2017, October 2017, December 2017, January 2018, February 2018, March 2018, April 2018, June 2018, July 2018, and August 2018 (See Affidavit of Patrick Gallery, ¶ 19 Attached as Ex. B).
6. TBII, Inc. owes \$252.97 in interest for the months of July 2017, August 2017, September 2017, October 2017, December 2017, January 2018, February 2018, March 2018, April 2018, June 2018, July 2018, and August 2018 (See Affidavit of Patrick Gallery, ¶ 19 Attached as Ex. B).
7. TBII, Inc. owes \$32,303.12 in total contributions, interest, and liquidated damages for the months of July 2017, August 2017, September 2017, October 2017, December 2017, January 2018, February 2018, March 2018, April 2018, June 2018, July 2018, and August 2018 (See Affidavit of Patrick Gallery, Attached as Ex. B).
8. Defendant is liable for ancillary damages for not timely paying fringe benefits contributions including attorneys' fees and costs pursuant to the CBA, Trust Agreements, and 29 U.S.C. § 1132(g)(2).
9. The total fees and costs expended in this matter are \$3,012.50 (See Declaration of Gregory W. Hosé, Attached as Ex. C).

WHEREFORE, Plaintiffs move this Honorable Court to:

- A. Enter judgment in favor of the Plaintiffs and against Defendant, TBII, Inc. in the amount of \$35,315.62.
- B. Such other and further relief as this Honorable Court deems just under the circumstances.

Dated: September 24, 2018

Respectfully Submitted,

**Trustees of the Riggers Local 136
Pension Fund, et al.**

By: /s/ Gregory W. Hosé
One of their attorneys

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